

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 215

Introduced by Assembly Member Beall

January 31, 2011

An act to amend Section 76000.10 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 215, as amended, Beall. Emergency services: Emergency Medical Air Transportation Act.

The Emergency Medical Air Transportation Act, *until January 1, 2018*, imposes specified penalties for certain Vehicle Code and local ordinance violations. The act requires that the moneys generated from those penalties be deposited by counties into a county emergency medical air transportation act fund, and thereafter requires the counties to transfer those moneys, less administrative costs, to the Emergency Medical Air Transportation Act Fund established in the State Treasury, as provided. The act requires moneys in the Emergency Medical Air Transportation Act Fund to be made available, upon appropriation by the Legislature, to the State Department of Health Care Services for administrative costs, and to offset the state portion of the Medi-Cal reimbursement rate for emergency medical air transportation services and to augment emergency medical air transportation reimbursement payments made through the Medi-Cal program, as specified.

~~This bill would make technical, nonsubstantive changes to these provisions.~~

This bill would require that, no later than March 1 of each year, each county submit a report on the administration of the Emergency Medical

Air Transportation Act that contains specified requirements to certain state agencies and committees of the Legislature. By imposing new duties on county officials this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 76000.10 of the Government Code is
2 amended to read:
3 76000.10. (a) This section shall be known, and may be cited,
4 as the Emergency Medical Air Transportation Act.
5 (b) For purposes of this section:
6 (1) "Department" means the State Department of Health Care
7 Services.
8 (2) "Director" means the Director of the State Department of
9 Health Care Services.
10 (3) "Provider" means a provider of emergency medical air
11 transportation services.
12 (4) "Rotary wing" means a type of aircraft, commonly referred
13 to as a helicopter, that generates lift through the use of wings,
14 known as rotor blades, that revolve around a mast.
15 (5) "Fixed wing" means a type of aircraft, commonly referred
16 to as an airplane, that generates lift through the use of the forward
17 motion of the aircraft and wings that do not revolve around a mast
18 but are fixed in relation to the fuselage of the aircraft.
19 (6) "Air mileage rate" means the per-mileage reimbursement
20 rate paid for services rendered by rotary-wing and fixed-wing
21 providers.
22 (c) (1) For purposes of implementing this section, a penalty of
23 four dollars (\$4) shall be imposed upon every conviction for a
24 violation of the Vehicle Code or a local ordinance adopted pursuant
25 to the Vehicle Code, except parking offenses subject to Article 3

1 (commencing with Section 40200) of Chapter 1 of Division 17 of
2 the Vehicle Code.

3 (2) The penalty described in this subdivision shall be in addition
4 to the state penalty assessed pursuant to Section 1464 of the Penal
5 Code. However, this penalty shall not be included in the base fine
6 used to calculate the state penalty assessment pursuant to
7 subdivision (a) of Section 1464 of the Penal Code, the state
8 surcharge levied pursuant to Section 1465.7 of the Penal Code,
9 Section 70372 of the Government Code, and to calculate the other
10 additional penalties levied pursuant to this chapter.

11 (d) The county board of supervisors shall establish in the county
12 treasury an emergency medical air transportation act fund into
13 which shall be deposited the moneys collected pursuant to this
14 section. Moneys in each county's fund, including interest and
15 dividends earned thereon, shall be held by the county treasurer
16 separate from funds subject to transfer or division pursuant to
17 Section 1463 of the Penal Code.

18 (e) (1) Within 30 days following the last day of each calendar
19 quarter of the year, the county treasurer shall transfer moneys in
20 the county's emergency medical air transportation act fund to the
21 Controller for deposit into the Emergency Medical Air
22 Transportation Act Fund, which is hereby established in the State
23 Treasury. Notwithstanding Section 16305.7, the Emergency
24 Medical Air Transportation Act Fund shall include interest and
25 dividends earned on money in the fund. Prior to the transfer of
26 funds from the county's emergency medical air transportation act
27 fund to the state, the county treasurer may withhold a sufficient
28 amount from the fund to reimburse the county and the courts for
29 their actual, reasonable, and necessary costs associated with
30 administering this section. To the extent moneys are withheld by
31 the county treasurer, an accounting report detailing these costs
32 shall be sent to the department at least once per calendar year.

33 (2) The Emergency Medical Air Transportation Act Fund shall
34 be administered by the State Department of Health Care Services.
35 Moneys in the Emergency Medical Air Transportation Act Fund
36 shall be made available, upon appropriation by the Legislature, to
37 the department to be used as follows:

38 (A) For payment of the administrative costs of the department
39 in administering this section.

1 (B) Twenty percent of the fund remaining after payment of
2 administrative costs pursuant to subparagraph (A) shall be used
3 to offset the state portion of the Medi-Cal reimbursement rate for
4 emergency medical air transportation services.

5 (C) Eighty percent of the fund remaining after payment of
6 administrative costs pursuant to subparagraph (A) shall be used,
7 to augment emergency medical air transportation reimbursement
8 payments made through the Medi-Cal program, as set forth in
9 paragraphs (3) and (4).

10 (3) (A) The department shall seek to obtain federal matching
11 funds by using the moneys in the Emergency Medical Air
12 Transportation Act Fund for the purpose of augmenting Medi-Cal
13 reimbursement paid to emergency medical air transportation
14 providers.

15 (B) The director shall do all of the following:

16 (i) By March 1, 2011, meet with medical air transportation
17 providers to determine the most appropriate methodology to
18 distribute the funds for medical air services.

19 (ii) Implement the methodology determined most appropriate
20 in a timely manner.

21 (iii) Develop the methodology in collaboration with the medical
22 air providers.

23 (iv) Submit any state plan amendments or waiver requests that
24 may be necessary to implement this section.

25 (v) Submit any state plan amendment or waiver request that
26 may be necessary to implement this section.

27 (vi) Seek federal approvals or waivers as may be necessary to
28 implement this section and to obtain federal financial participation
29 to the maximum extent possible for the payments under this
30 section. If federal approvals are not received, moneys in the fund
31 may be distributed pursuant to this section until federal approvals
32 are received.

33 (C) The director may give great weight to the needs of the
34 emergency medical air services providers, as discussed through
35 the development of the methodology.

36 (4) (A) Upon appropriation by the Legislature, the department
37 shall use moneys in the Emergency Medical Air Transportation
38 Act Fund and any federal matching funds to increase the Medi-Cal
39 reimbursement for emergency medical air transportation services

1 in an amount not to exceed normal and customary charges charged
2 by the providers.

3 (B) Notwithstanding any other provision of law, and pursuant
4 to this section, the department shall increase the Medi-Cal
5 reimbursement for emergency medical air transportation services
6 provided that both of the following conditions are met:

7 (i) Moneys in the Emergency Medical Air Transportation Act
8 Fund will cover the cost of increased payments pursuant to
9 subparagraph (A).

10 (ii) The state does not incur any General Fund expense to pay
11 for the Medi-Cal emergency medical air transportation services
12 increase.

13 ~~(e)~~

14 (f) The assessment of penalties pursuant to this section shall
15 terminate commencing January 1, 2016. Penalties assessed prior
16 to January 1, 2016, shall continue to be collected, administered,
17 and distributed pursuant to this section until exhausted or until
18 June 30, 2017, whichever occurs first. On June 30, 2017, moneys
19 remaining unexpended and unencumbered in the Emergency
20 Medical Air Transportation Act Fund shall be transferred to the
21 General Fund, to be available, upon appropriation by the
22 Legislature, for the purposes of augmenting Medi-Cal
23 reimbursement for emergency medical air transportation and related
24 costs, generally.

25 ~~(f)~~

26 (g) Notwithstanding the rulemaking provisions of Chapter 3.5
27 (commencing with Section 11340) of Part 1 of Division 2 of the
28 Government Code, the department may implement, interpret, or
29 make specific this section and any applicable federal waivers and
30 state plan amendments by means of all county letters, plan letters,
31 plan or provider bulletins, or similar instructions without taking
32 regulatory action.

33 (h) *Notwithstanding Section 10231.5, no later than March 1 of*
34 *each year until 2018, each county shall submit a report to the*
35 *department, the Senate Office of Research, the Assembly Committee*
36 *on Health, the Senate Committee on Health, the Assembly*
37 *Committee on Appropriations, and the Senate Committee on*
38 *Appropriations on the administration of the Emergency Medical*
39 *Air Transportation Act that contains all of the following*
40 *information:*

1 *(1) The total number of penalties imposed, and the total amount*
2 *of funds collected, pursuant to paragraph (1) of subdivision (c).*

3 *(2) The total amount deposited by the county into the Emergency*
4 *Medical Air Transportation Act Fund, including the total amount*
5 *withheld by the county for administrative expenses.*

6 ~~(g)~~
7 *(i) This section shall remain in effect until January 1, 2018, and*
8 *as of that date is repealed, unless a later enacted statute, that is*
9 *enacted before January 1, 2018, deletes or extends that date.*

10 *SEC. 2. No reimbursement is required by this act pursuant to*
11 *Section 6 of Article XIII B of the California Constitution because*
12 *a local agency or school district has the authority to levy service*
13 *charges, fees, or assessments sufficient to pay for the program or*
14 *level of service mandated by this act, within the meaning of Section*
15 *17556 of the Government Code.*